AMENDMENTS TO THE CLAIMS

1.   (Currently Amended) A base station apparatus, including:

a receiver which receives signals from a terminal apparatus which is a targeted

communication party, each of the signals corresponding to one of a plurality of modulation

methods;

a permissible delay time detector which detects, from the signals received by said

receiver, permissible delay time in data communication corresponding to an application used in

said terminal apparatus;

a decision unit which determines a modulation method to be used for data for the

terminal apparatus and the number of channels per frame to be allocated to said terminal

apparatus, in a communication line that contains a plurality of channels in a frame, according to

the permissible delay time detected by said detector, so that the communication rate as

determined by the modulation method and the number of channels approaches a predetermined

value ; and

an instruction unit which instructs said terminal apparatus to perform communication of

data corresponding to the application by using the modulation method and the number of

channels determined by said decision unit.

2.   (Previously Presented) A base station apparatus according to Claim 1, further

including a quality detector which derives from the received signals a value indicative of the

quality of a communication line, wherein

if the detected permissible delay time is greater than a predetermined threshold value,

said decision unit determines to use a modulation method capable of transmitting a relatively

large amount of data and using a relatively small number of channels, according to the derived

value indicative of the quality of a communication line, and

if the detected permissible delay time is less than or equal to the predetermined threshold

value, said decision unit determines to use a relatively large number of channels and using a

modulation method that ensures a relatively low error rate, in accordance the number of

unoccupied channels.

3. (Cancelled).

4. (Currently Amended) A communication system, including:

a terminal apparatus which uses a predetermined application; and

a base station apparatus which communicates with said terminal, apparatus via a

communication line containing a plurality of channels in a frame, using one of a plurality of

modulation methods,

wherein said terminal apparatus transmits information on permissible delay time in data

communication corresponding to the predetermined application to be used, and

wherein said base station apparatus detects quality of the communication line and the

number of unoccupied channels and determines a modulation method to be used for data for the

terminal apparatus and the number of channels per frame to be allocated to said terminal

apparatus based on the information on permissible delay time received from said terminal

apparatus together with the quality of the communication line and the number of unoccupied

channels, so that the communication rate as determined by the modulation method and the

number of channels approaches a predetermined value.

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5.   (Currently Amended) A channel allocating method characterized in that, based on permissible delay time in data communication corresponding to an application used in a terminal apparatus which is a targeted communication party, a modulation method to be used for data for the terminal apparatus and the number of channels per frame to be allocated to the terminal apparatus are determined for a plurality of channels per frame contained in a communication line connected with the terminal apparatus, so that the communication rate as determined by the modulation method and the number of channels approaches a predetermined value.

6.   (Currently Amended) A channel allocating method, including:

receiving signals from a terminal apparatus which is a targeted communication party, each of the signals corresponding to one of a plurality of modulation methods;

detecting, from the signals received by said receiving, permissible delay time in data communication corresponding to an application used in said terminal apparatus;

determining a modulation method to be used for data for the terminal apparatus and the number of channels per frame to be allocated to the terminal apparatus, in a communication line that contains a plurality of channels in a frame, according to the permissible delay time detected by said detecting, so that the communication rate as determined by the modulation method and the number of channels approaches a predetermined value; and

instructing the terminal apparatus to perform communication of data corresponding to the application by using the modulation method and number of channels determined by said determining.

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7.   (Previously Presented) A channel allocating method according to Claim 6, further including deriving from the received signals a value indicative of the quality of a communication line, wherein

said determining includes determining to use a modulation method capable of transmitting a relatively large amount of data and using a relatively small number of channels, according to the derived value indicative of the quality of a communication line, if the detected permissible delay time is greater than a predetermined threshold value,

said determining further including determining to use a relatively large number of channels and using a modulation method that ensures a relatively low error rate, in accordance the number of unoccupied channels, if the detected permissible delay time is less than or equal to the predetermined threshold value, said decision unit.

8.   (Cancelled).

9.   (Currently Amended) A program executable by a computer, the program including the functions of:

receiving signals from a terminal apparatus which is a targeted communication party, each of the signals corresponding to one of a plurality of modulation methods;

detecting, from the signals received by said receiving, permissible delay time in data communication corresponding to an application used in said terminal apparatus;

determining a modulation method to be used for data for the terminal apparatus and the number of channels per frame to be allocated to the terminal apparatus, in a communication line

that contains a plurality of channels in a frame, according to the permissible delay time detected

by said detecting, so that the communication rate as determined by the modulation method and

the number of channels approaches a predetermined value; and

        instructing the terminal apparatus to perform communication of data corresponding to the

application by using the modulation method and the number of channels determined by said

determining.

        10.   (Previously Presented) A program according to Claim 9, further including the

function of deriving from the received signals a value indicative of the quality of a

communication line, wherein said determining includes determining to use a modulation method

capable of transmitting a relatively large amount of data and using a relatively small number of

channels, according to the derived value indicative of the quality of a communication line, if the

detected permissible delay time is greater than a predetermined delay time is greater than a

predetermined threshold value,

        said determining further including determining to use a relatively large number of

channels and using a modulation method that ensures a relatively low error rate, in accordance

the number of unoccupied channels, if the detected permissible delay time is less than or equal to

the predetermined threshold value.

        11.   (Cancelled).

        12.   (New) A channel allocating method comprising:

        receiving signals from a terminal apparatus which is a targeted communication party,

each of the signals corresponding to one of a plurality of modulation methods;

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detecting, from the signals received by said receiving, permissible delay time in data

communication corresponding to an application used in said terminal apparatus;

determining a modulation method and the number of channels to be allocated to the

terminal apparatus, in a communication line that contains a plurality of channels, according to

the permissible delay time detected by said detecting, so that the communication rate as

determined by the modulation method and the number of channels approaches a predetermined

value; and

instructing the terminal apparatus to perform communication of data corresponding to the

application by using the modulation method and number of channels determined by said

determining.